

REMARKS

Claims 1-3, 5-7, 9 and 10 were rejected under 35 U.S.C. 112. The stated reason for this rejection by the Examiner relates only to the apparatus claims (independent claim 1 and dependent claims) and not to the method claims (independent claim 5 and dependent claims). Claim 1 has been amended by reciting an x-ray source, as suggested by the Examiner, and dependent claim 4 has been rewritten accordingly. Independent method claim 5 already includes a step in which radiation inside the patient's body is to be utilized. The Examiner's reason for rejecting claim 1 and claims dependent therefrom under 35 U.S.C. 112 is not believed to apply to method claims 5-10. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. 112 of apparatus claims 1-3 and method claims 5-7, 9 and 10.

Claims 1, 3-6 and 8-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Trotel. In part in view of this reference, independent apparatus claim 1 has been amended to more narrowly define the function of the control unit. Explained more in detail, the control unit is now defined as serving to control the optical system not only such that the beam of visible light will successively reach specified points on the target plane but also such that a closed line will be formed by such successively reached points.

Such control is not disclosed by Trotel, and that for good reasons. Trotel does not use visible light for marking a target area on the patient's body to be treated by an x-ray. A visible light beam is used by Trotel for creating light spots at "a first set of points" (column 8, lines 7-11) and subsequently recreating light spots at "a second set of points" (column 8, lines 19-24) such that the patient's body position can be corrected if there are differences between the two sets of points (column 8, lines 30-33). Trotel does not teach an apparatus that incorporates the advantages of controlling the visible beam of light to reach different points successively so as to draw a closed line as has been shown by Applicant. Applicant requests that the Examiner reconsider and withdraw this rejection under 35 U.S.C. 102(b) as to independent claim 1 and dependent claims 3 and 4.

Independent method claim 5 is clearly not anticipated by Trotel because Trotel does not disclose the step of determining a target region to be later treated "by radiation inside a patient's body", that is, by irradiating the patient's body such that the interior of the patient's body is irradiated. According to the present invention, a weak beam of x-ray (a diagnostic x-ray beam) is made incident on the patient's body such that a portion of this x-ray beam will penetrate the patient's

body (page 3, line 28 to page 4, line 1) such that the user can determine a region to be treated using a capture device, such as photographic film (page 4, lines 2-3). The use of a body-penetrating radiation beam such as a relatively weak diagnostic x-ray beam for this purpose is nowhere disclosed by Trotel. Trotel discloses an x-ray source but not the use thereof for initially determining a region of the patient's body to be treated. In light of this, Applicant requests that the Examiner reconsider and withdraw this rejection under 35 U.S.C. 102(b) as to independent method claim 5 and dependent claims 6-10.

Additional claims have been added for clarification and for further limiting some of the method claims regarding the manner in which the optical system is to be controlled. As explained above regarding apparatus claims 1-4, this manner of controlling the optical system is to successively focus the visible light on a (closed) line. These new claims are supported by the specification and no new matter is introduced thereby. Applicant requests favorable consideration of these claims.

CONCLUSION

For the reasons stated above, Applicant submits that this application is now in condition for allowance. Favorable consideration of this application in light of the above amendments and remarks is respectfully requested.

Respectfully submitted,



Bradford L. Friedman
Attorney for Applicant
Registration No. 41,764

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Varian Medical Systems, Inc.
Legal Department
3100 Hansen Way
Palo Alto, CA 94303
(650) 424-5999